

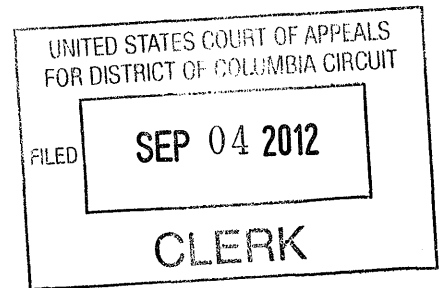
UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUITUNITED STATES OF AMERICA,  
Appellee

Case No. 10-3088

v.

EDDIE RAY KAHN

Appellant

RECEIVED  
Mail Room

SEP - 4 2012

United States Court of Appeals  
District of Columbia CircuitNOTICE AND DEMAND FOR VERIFICATION OF JUDGE'S ROGERS, GRIFFITH  
AND KAVANAUGH'S ARTICLE III STATUS

By filing my Appeal in this federal court, I have entered into an arrangement with the federal government, right? However, the United States Supreme Court, in Federal Crop Ins. Corp. v. Merrill, 332 US 380, warned the unwary: "Anyone entering into an arrangement with the government takes the risk of having accurately ascertained that he who purports to act for the government stays within the bounds of his authority, even though the agent himself may be unaware of the limitations upon his authority" (underlineing added).

I have good reason to believe that Judge's Rogers, Griffith and Kavanaugh may not be Article III judges. An Article III judge is one whose office was created by Section 3 of the Judiciary Act of 1789 and took the Oath of Office found in Section 8 of that same Act. Additionally, according to Article III of the Constitution of the United States of America (CUSA), the judge's compensation cannot be diminished while the judge is in office in any way, including by taxation (See Williams v. U.S., 77 L Ed. 1372 (1933)). The above mentioned judges file and pay individual income taxes every year, which would be illegal for an Article III judge to do.

I have copies of the Standard Form 61 Appointment Affidavits of the Chief Judge of the D.C. Court of Appeals, David Sentelle, and a copy of the SF 61 form for Richard Sippel, an Administrative Law Judge, who works for the FCC (Ex. ~~A & B~~). As can readily be seen, there are three Oaths on the form. Both men took the same Oaths. However, Judge Sentelle claims to be a Judicial branch employee. Judge Sippel claims to be an Executive branch employee.

But, the Oaths that both men took are oaths that are only taken by someone entering into the Executive branch of government, as is evidenced by the fact that both judges accepted a **U.S. CIVIL SERVICE COMMISSION** (See upper left hand corner of Ex. A & B).

As an Executive branch employee, the judge's office would have been created pursuant to Article IV, section 3 of the CUSA. Consequently, he would have no Article III "judicial power", as that would be a violation of the separation of powers doctrine. An Article IV judge could not lawfully hear a case brought in law, such as mine.

Based on Judge Sentelle's Appointment Affidavit, I am assuming that judge's Rogers, Griffith and Kavanaugh are also Executive branch employees and, therefore, incapable of hearing the Appeal I have brought to the Court, assuming that this court is an Article III court staffed with judges whose offices were created by Section 3 of the Judiciary Act of 1789.

To accurately ascertain the correct status of the aforementioned judges, I am hereby demanding a copy of their Appointment Affidavits. I also want a copy of their Oaths of Office to make sure it is the one all district court judges are required to take and is found in Section 8 of the Judiciary Act of 1789.

In the Federal Crop Ins. Corp. case, the justices stated very clearly that if you did not challenge a federal officer as to proving that he/she was a "de jure" and not a "de facto" officer early on, you would not be able to get relief from an adverse decision when challenging it later.

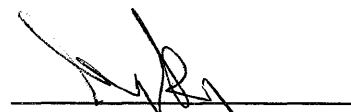
Since the documents that I am asking for are public record documents, it should not be any problem for the Clerk of Court to provide them to me.

Conclusion: I refuse to have my case heard by a "de facto" judge. That is a judge whose office was not ordained and established by Section 3 of the Judiciary Act of 1789. If Judge's Rogers, Griffith and Kavanaugh cannot prove that their office was created by Section 3 of the Judiciary Act of 1789 and that they took the Oath district court judges are required to take that is in Section 8 of that Act, I will not accept them as judges of my Appeal as there is no Act of Congress authorizing them to do so.

If they are not, as I suspect, Article III judges, I am requesting that three fair, impartial and independant Article III judges be assigned to hear my Appeal so that justice can truly be served.

I am currently falsely imprisoned and in involuntary servitude and am suffering daily as a result. I would appreciate the requested documents sent to me right away as the September 17, 2012 deadline for me to file my Appeal Brief is fast approaching and I need to get this matter resolved prior to that date.

Date: August 30, 2012



Eddie Ray: Kahn

18325-008

P.O. Boxs 630

Winton, North Carolina

STANDARD FORM 61  
REVISED SEPTEMBER 1970  
U.S. CIVIL SERVICE COMMISSION  
F.P.M. CHAPTER 295  
61-107

OMB APPROVAL NO. 50-R0118

## APPOINTMENT AFFIDAVITS

U. S. Circuit Court Judge

(Position to which appointed)

October 19, 1987

(Date of appointment)

District of Columbia

(Department or agency)

(Bureau or division)

Washington, D. C.

(Place of employment)

I, DAVID BRYAN SENTELLE, do solemnly swear (or affirm) that—

### A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

### B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

### C. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

  
(Signature of appointee)

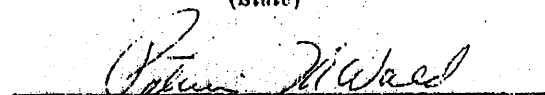
Subscribed and sworn (or affirmed) before me this 19th day of October A.D. 1987,

at Washington, D. C.

(City)

(State)

[SEAL]

  
(Signature of officer)

Commission Expires \_\_\_\_\_  
(If a Notice of Extension of Commission  
is filed, commission must be shown)

Chief Judge, U. S. Circuit Court of Appeals  
(Title)  
for the District of Columbia Circuit

NOTE: This form must be administered by a person specified in 5 U.S.C. 2903. The words "So help me God" may be stricken out when the appointee elects to do so. In the affidavits, only these words may be stricken and only when the appointee elects to do so.

George A. Fisher  
U.S. Circuit Court of Appeals  
for the District of Columbia Circuit

☆ U.S. G.P.O. 1983-381-526/8261

 Deputy Clerk



STANDARD FORM 61  
REVISED SEPTEMBER 1970  
U.S. CIVIL SERVICE COMMISSION  
F.P.M. CHAPTER 295  
61-107

OMB APPROVAL NO. 50-R0118

## APPOINTMENT AFFIDAVITS

Administrative Law Judge

January 19, 1986

(Position to which appointed)

(Date of appointment)

FCC

ALJ

Washington, DC

(Department or agency)

(Bureau or division)

(Place of employment)

I, Richard L. Sippel, do solemnly swear (or affirm) that—

### A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

### B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

### C. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

Richard L. Sippel  
(Signature of appointee)

Subscribed and sworn (or affirmed) before me this 21 day of January A.D. 1986

at Washington,

DC

(City)

(State)

[SEAL]

Deborah Barry  
(Signature of officer)

Personnel Assistant

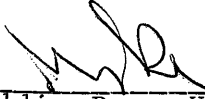
(Title)

Commission expires \_\_\_\_\_  
(If by a Notary Public, the date of expiration  
of his Commission should be shown)

NOTE—The oath of office must be administered by a person specified in 5 U.S.C. 2903. The words "So help me God" in the oath and the word "swear" wherever it appears above should be stricken out when the appointee elects to affirm rather than swear to the affidavits; only these words may be stricken and only when the appointee elects to affirm the affidavits.

## PROOF OF SERVICE

I certify that I have placed a copy of the enclosed NOTICE AND DEMAND FOR VERIFICATION OF JUDGE'S ROGERS, GRIFFITH AND KAVANAUGH'S ARTICLE III STATUS in the inmate mail box at Rivers Correctional Institution in Winton, North Carolina with proper first class postage. It was addressed to Ronald C. Machen, USA\*, Judiciary Center Building, 555 Fourth Street, NW, Washington, D.C. 20530 and mailed on August 30, 2012.

  
\_\_\_\_\_  
Eddie Ray: Kahn  
18325-008  
RCI  
P.O. Box 630  
Winton, North Carolina 27986